

**Remarks**

Favorable reconsideration in view of the herewith presented amendment and remarks is respectfully requested.

Claims 51, 52, and 54 are pending in this application. Claims 1-50 and 53 are cancelled. New claim 54 is added.

Claims 48-53 have been rejected under 35 USC §102(b) as allegedly being anticipated by Tinnerman.

Claims 48-53 have been rejected under 35 USC §102(b) as allegedly being anticipated by Shirai.

Applicant respectfully traverses both of these rejections.

Present claim 54 makes clear that the functional element is attached to first sheet metal part, and indeed with the end of the thread in a pot-like recess formed in the first sheet metal part, with the material of the sheet metal part engaging radially into the thread and also engaging the features interrupting the thread. This construction makes it possible to achieve that gas-tight and water-tight connection referred to in this application, because the functional element does not actually pierce the sheet metal part, its end attached to the sheet metal is completely surrounded by the sheet metal forming the pot-like recess and the sheet metal is not perforated at this position.

It is urged that the reference to the sheet metal part clearly distinguishes the present invention as claimed from the prior art.

In the Tinnerman Patent the functional element, the screw, is not permanently connected to either of the two sheet metal parts, and indeed the plate 21, which is riveted to the part b, is effectively the nut which cooperates with the screw. By reciting the fact that the functional element is permanently connected to the sheet metal part (and this is the effect to the working of

claim 54) the instant claims distinguish over the Tinnerman Patent. Tinnerman does not have a pot-like recess in the first sheet metal part nor is the element of Tinnerman secured in a pot-like recess in the first sheet metal part nor is the element of Tinnerman secured in a pot-like recess by the material of the first sheet metal part engaging radially within the threaded portion. In addition, Tinnerman does not have the constant diameter which is now a clear feature of claim 54.

Moreover, the threaded element 30 of the Shirai reference (which is actually a nut element rather than a bolt element ) is actually a threaded insert for us in a zinc or aluminum alloy die casting (column 1, lines 15 to 20). It is not intended for use with a sheet metal part. The examiner can not argue that the recess in the die-cast element is a pot-like recess and that the threaded element is permanently engaged in the pot-like recess, since, in fact the arrangement is in fact completely different. The threaded insert of the Shirai Patent is inserted into a solid wall of a component and cuts its own thread in the component. It is not inserted into a sheet metal part and it does not project beyond the component. Moreover, in the functional element of the invention the sheet metal of the sheet metal part is moved radially inwardly into the thread. The functional element does not cut its own thread in the pot-like recess of the sheet metal part by a rotary movement.

For the above reasons, applicant requests reconsideration and withdrawal of the Examiner's rejections.

It is believed that all of the present claims are in condition for allowance. The Examiner is requested to reconsider and withdraw all of the rejections made in the Official Action. Early and favorable action by the Examiner is earnestly solicited.

## **AUTHORIZATION**

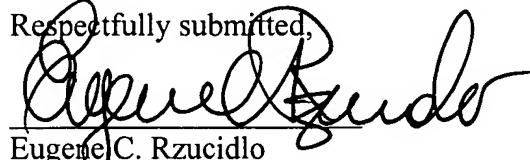
If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2146. The undersigned may also be contacted by e-mail at [ecr@gtlaw.com](mailto:ecr@gtlaw.com).

No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1561.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1561.

Dated: July 27, 2005

By: Respectfully submitted,



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